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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**BARBARA KULIK, JAMES ESKRIDGE,
and MARY DUNNING GAROFALO**
individually and on behalf of all others similarly
situated,

Plaintiffs,

Y.

**NMCI MEDICAL CLINIC, INC., a
corporation,**

Defendant

Case No.: 5:21-cv-03495-BLF

**NOTICE OF UNOPPOSED MOTION AND
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES, LITIGATION EXPENSES, AND
CLASS REPRESENTATIVE INCENTIVE
AWARDS**

Judge: Beth Labson Freeman

Complaint Filed: May 10, 2021

FAC Filed: July 13, 2021

Final Approval Hearing: March 2, 2023

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the matter will be heard before the Honorable Beth Labson
3 Freeman in Courtroom 3 of this Court, located on the 5th Floor of the San Jose Courthouse, 280 South
4 1st Street, San Jose, California 95113 on March 2, 2023. In this motion, Plaintiffs respectfully request
5 entry of an order (1) awarding Class Counsel attorneys' fees in the amount of \$262,500 (30% of the
6 \$875,000 Settlement); (2) granting reimbursement of necessary litigation expenses to Class Counsel
7 in an amount not to exceed \$20,000; (3) awarding Class Representative incentive awards in the amount
8 of \$5,000 each to Named Plaintiffs Barbara Kulik, James Eskridge, and Mary Dunning Garofalo.

9 Plaintiffs respectfully submit good cause exists for granting the Motion for the reasons set
10 forth in the concurrently filed documents. Defendant's counsel has reviewed the documents being
11 filed in support of this Motion and does not oppose it, though Defendant has reserved the right to
12 submit a Notice of Non-Opposition, together with any additional points and authorities for the Court's
13 consideration.

14 This Motion is based upon this Notice of Motion, the Memorandum of Points and Authorities
15 and other documents filed herewith, including the Settlement Agreement, the Declaration of Class
16 Counsel, the Declarations of the Class Representatives, the [Proposed] Order, and the other pleadings
17 and records on file in this action, and the presentations of counsel and such oral or documentary
18 evidence as may be presented at the hearing on this unopposed Motion.

19 SOMMERS SCHWARTZ, P.C.

20 DATED: December 16, 2022

21 By: /s/ Kevin J. Stoops

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25 *Attorneys for Plaintiff and Proposed Collective and
26 Class members*